

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)	
)	Case No. 17bk36268
JOSEPH J PORADA JR.,)	
)	Chapter 11
)	
Debtor.)	Honorable Timothy A. Barnes
)	

FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER
AWARDING TO RATHJE & WOODWARD, LLC, SPECIAL COUNSEL FOR DEBTOR,
FOR ALLOWANCE AND PAYMENT OF FIRST INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES

TOTAL FEES REQUESTED:	\$ 63,332.00	TOTAL COSTS REQUESTED:	\$ 2,958.70
TOTAL FEES REDUCED:	\$ 2,211.60	TOTAL COSTS REDUCED:	\$ 18.00
TOTAL FEES ALLOWED:	\$ 61,120.40	TOTAL COSTS ALLOWED:	\$ 2,940.70

TOTAL FEES AND COSTS ALLOWED: \$ 64,061.10

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the right of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

(1) Lumping – TOTAL of disallowed amounts (10% of affected entries): \$ 539.10

The Court may impose a ten percent penalty on entries that appear to be “lumping.” The Court will reduce each entry marked as such per the penalty. *In re Wildman*, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“Applicants may not circumvent the minimum time requirement or any of the requirements of detail by “lumping” a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.”).


(2) Insufficient Description – TOTAL of disallowed amounts: \$ 1,672.50

The Court denies the allowance of compensation for the indicated task(s) as the description of each task fails to identify in a reasonable manner the service rendered. *In re Pettibone*, 74 B.R. 293, 301 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“A proper fee application must list each activity, its date, the attorney who performed the work, a description of the nature and substance of the work performed, and the time spent on the work. [Citation omitted] Records which give no explanation of the activities performed are not compensable.”); *In re Wildman*, 72 B.R. 700, 708-9 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (same). Entries for conferences must say who the conference was with specifically and what the conference was about in order for the court to determine the benefit to the estate.

(3) **No Benefit to the Estate – TOTAL of disallowed amounts: \$ 18.00**

The court denies requests for fees relating to services that do not benefit the estate or that are not necessary to the administration of the case. 11 U.S.C. § 330(a)(4)(A). Expenses for a counsel's routine in town travel expenses confer no benefit to the estate and are not reimbursable in this district absent an explanation regarding necessity.

Dated: November 27, 2018



Timothy A. Barnes
United States Bankruptcy Judge

JOHN S. WORTHEN
RATHJE WOODWARD LLC
300 East Roosevelt Road
Wheaton, IL 60187
Tel. (630) 668-8500 Fax (630) 668-9218

Invoice submitted to:

Dr. Joseph J. Porada
P. O. Box 31232
Chicago, IL 60631-0232

October 11, 2018

File #: jsw18318
Inv #: 48875

RE: Consulting Services

DATE	LAWYER	DESCRIPTION	HOURS	AMOUNT	
12-07-17	CLP	Review suggestion of bankruptcy and file same.	0.20	65.00	
	TDE	Review bankruptcy materials.	0.50	162.50	
12-08-17	TDE	Review petition.	0.40	130.00	
12-19-17	TDE	Telephone conference with T. Banich re: status.	0.30	97.50	
01-05-18	TDE	Review and revise retention motion.	1.00	325.00	
01-12-18	TDE	Review and revise proposed motion.	1.30	422.50	
	TDE	Telephone conference with bankruptcy counsel re same.	0.20	65.00	
02-01-18	JSW	Review with JJP of need for motion for tax engagement.	0.30	97.50	
02-05-18	JSW	Review and proposed revision to motion for tax engagement by JJP.	1.20	390.00	
02-14-18	JSW	Review of motion and comments to TDE.	0.50	162.50	
	TDE	Telephone conferences with co-counsel and client re same.	0.50	162.50	(1) Lumping

MAKE CHECKS PAYABLE TO:
RATHJE WOODWARD LLC

	TDE	Review draft motion.	0.80	260.00
02-15-18	JSW	Review of motion and comments to TDE.	0.50	162.50
	TDE	Review final motion.	0.10	32.50
	TDE	Telephone conference with T. Banich re same.	0.10	32.50
03-02-18	JSW	Bankruptcy counsel (T. Banich) order matters.	0.60	195.00
04-02-18	JSW	Review of need for motion for tax engagement. Related information requests to J. Porada.	0.80	260.00
04-05-18	JSW	Bankruptcy counsel (T. Banich) order matters.	0.60	195.00
Total Fees			9.90	\$3,217.50
Total Fee & Disbursements				\$3,217.50
Balance Now Due				\$3,217.50

AGED ACCOUNTS RECEIVABLE SUMMARY

<u><30 DAYS</u>	<u><60 DAYS</u>	<u><90 DAYS</u>	<u><120 DAYS</u>	<u>>120 DAYS</u>
\$3,217.50	\$0.00	\$0.00	\$0.00	\$0.00

TIMEKEEPER SUMMARY

Initials	Timekeeper Name	Hours	Amount
CLP	CHARLES L PHILBRICK	0.20	\$65.00
JSW	JOHN S. WORTHEN	4.50	\$1,462.50
TDE	TIMOTHY D. ELLIOTT	5.20	\$1,690.00

JOHN S. WORTHEN
RATHJE WOODWARD LLC
300 East Roosevelt Road
Wheaton, IL 60187
Tel. (630) 668-8500 Fax (630) 668-9218

Invoice submitted to:

Dr. Joseph J. Porada
P. O. Box 31232
Chicago, IL 60631-0232

October 11, 2018

File #: JSW17373

Inv #: 48876

RE: State Court Litigation/Appeal

DATE	LAWYER	DESCRIPTION	HOURS	AMOUNT	
12-14-17	TDE	Review pleadings.	0.30	97.50	
01-18-18	TDE	Telephone conference with T. Banich re notice of appeal.	0.30	97.50	
01-30-18	TDE	Prepare for hearing.	1.10	357.50	
	TDE	Review judgment calculations.	0.30	97.50	
01-31-18	TDE	Prepare for, travel to, and participate in hearing.	1.70	552.50	(1) Lumping
	TDE	Telephone conference with client and co-counsel re same.	0.50	162.50	
02-08-18	TDE	Review pleadings.	0.80	260.00	
02-09-18	TDE	Telephone conferences with client and co-counsel re scope of engagement.	0.50	162.50	(1) Lumping
02-16-18	DPH	Research and draft notice of appeal.	0.50	130.00	(1) Lumping
02-20-18	TDE	Review pleadings.	0.50	162.50	
02-21-18	DPH	Draft notice of appeal and docketing statement.	1.50	390.00	

MAKE CHECKS PAYABLE TO:
RATHJE WOODWARD LLC

02-22-18	NW	Review appellate rules.	0.30	45.00	
	NW	Revise initial appellate pleadings.	0.40	60.00	
	NW	Confer with D. Hollander.	0.20	30.00	(2) Insufficient Description
02-23-18	DPH	Draft notice of appeal and docketing statement.	0.80	208.00	
	NW	Confer with D. Hollander.	0.30	45.00	(2) Insufficient Description
	NW	Review and revise notice and appearance.	0.50	75.00	
	NW	Contact clerk.	0.10	15.00	
03-01-18	TDE	Review pleadings to initiate appeal.	0.60	195.00	
	TDE	Conference with D. Hollander re same.	0.30	97.50	
	DPH	Draft notice of appeal.	0.20	52.00	
	DPH	Conference with TDE regarding appellate brief.	0.30	78.00	
03-05-18	DPH	Draft docketing statement.	0.70	182.00	
	DPH	Draft email to Dr. Porada regarding the same.	0.10	26.00	
03-07-18	TDE	Review docketing statement.	0.30	97.50	
	TDE	Conference with D. Hollander re same.	0.20	65.00	
03-09-18	DPH	Finalize docketing statement.	0.50	130.00	
03-12-18	DPH	Continue drafting docketing statement.	0.30	78.00	
04-03-18	DPH	Telephone call and email correspondence with Terry Banich to provide update on the pending appeal.	0.40	104.00	(1) Lumping
04-04-18	TDE	Telephone conference with T. Banich.	0.40	130.00	(2) Insufficient Description

04-23-18	NW	Calls to Appellate Clerk and Cook County Civil Appeals Division re: status.	0.50	75.00	(1) Lumping
04-28-18	DPH	Draft motion for extension of time to file record on appeal.	1.00	260.00	
05-01-18	TDE	Review and revise motion.	0.70	227.50	
	TDE	Telephone conference with clerk.	0.10	32.50	
	NW	Confer with T. Elliott and D. Hollander.	0.30	45.00	(2) Insufficient
	NW	Call with G. Peterson of Cook Co Appeals Division.	0.30	45.00	Description
05-09-18	NW	Confer with T. Elliott and D. Hollander; contact Cook County Appeals Division and Appellate Clerk re record confirmation and status of motion.	0.20	30.00	(1) Lumping
05-14-18	TDE	Review appellate court order.	0.10	32.50	
	TDE	Conference with D. Hollander re same.	0.20	65.00	
05-25-18	DPH	Draft appellate opening brief.	2.30	598.00	
05-29-18	DPH	Review common law record to identify missing orders and filings.	3.80	988.00	
	DPH	Draft stipulation to supplement record.	0.40	104.00	
05-30-18	TDE	Review proposed filing for appeal.	0.20	65.00	
	TDE	Telephone conference with client and client's bankruptcy counsel re same.	0.50	162.50	
	DPH	Draft motion for leave to file amended record and for extension of time.	1.30	338.00	
	DPH	Draft affidavit in support of the same.	0.80	208.00	
	DPH	Draft stipulation to supplement record.	1.00	260.00	
06-01-18	DPH	Draft opening brief.	4.00	1,040.00	

	DPH	Review materials in record.	0.50	130.00	
	DPH	Review caselaw.	0.70	182.00	
06-04-18	DPH	Draft opening brief to appeal.	3.80	988.00	
	DPH	Research statutory issues.	2.20	572.00	
06-06-18	DPH	Draft motion for extension of time.	1.50	390.00	
06-07-18	DPH	Draft amended motion for extension of time.	0.30	78.00	
	DPH	Email and telephone calls with Plaintiffs' counsel to arrange supplemental record.	0.20	52.00	(1) Lumping
06-12-18	DPH	Revise stipulation for supplemental record.	1.00	260.00	
06-15-18	DPH	Telephone call with appellate court to arrange for motion for extension of time.	0.20	52.00	
	DPH	Review exhibits to identify necessary supplement to record.	0.60	156.00	
	NW	Review Stipulation.	0.20	30.00	
	NW	Compile and prepare necessary documents.	0.60	90.00	
06-27-18	DPH	Finalize circuit court stipulation for supplemental record.	0.20	52.00	
	DPH	Email correspondence with opposing counsel regarding the same.	0.20	52.00	
06-28-18	NW	Confer with D. Hollander.	0.20	30.00	(2) Insufficient Description
	NW	Format, designate and finalize documents for filing.	3.10	465.00	(1) Lumping
	NW	Create SharePoint.	0.30	45.00	
	NW	Correspond with opposing counsel.	0.40	60.00	(2) Insufficient Description

06-29-18	DPH	Draft appellate opening brief.	0.50	130.00	
07-02-18	DPH	Draft appellate opening brief.	3.90	1,014.00	
	DPH	Review trial transcripts.	1.70	442.00	
07-03-18	DPH	Draft appellate brief.	2.30	598.00	
07-04-18	DPH	Draft appellate opening brief.	3.20	832.00	
07-05-18	TDE	Review and revise appellate brief.	1.10	357.50	
07-09-18	TDE	Review and revise appellate brief.	1.40	455.00	
	DPH	Draft motion for extension of time to file supplemental record and opening brief.	0.40	104.00	
	DPH	Draft affidavit and proposed order in support of the same. Email and telephone calls to opposing counsel to obtain agreement to the same	1.00	260.00	(1) Lumping
	DPH	Email and telephone calls to opposing counsel to obtain agreement to the same.	0.30	78.00	(1) Lumping
	NW	Contact Supervisor of Cook County Civil Appeals Division.	0.30	45.00	
	NW	Format Stipulation and accompanying documents for supplemental record.	1.20	180.00	
	NW	Upload Stipulation, Request and additional documents into Cook County Appeals portal.	0.30	45.00	
	NW	Confer with D. Hollander.	0.50	75.00	(2) Insufficient Description
07-10-18	NW	Follow up with Appellate division.	0.30	45.00	
07-11-18	DPH	Telephone call with clerk's office to sort out filing issues.	0.30	78.00	
07-18-18	TDE	Conference with D. Hollander re status of record.	0.30	97.50	

07-20-18	TDE	Review and revise appellate brief.	1.50	487.50	
07-25-18	TDE	Conference with D. Hollander re status.	0.30	97.50	
	DPH	Telephone call with clerk's office to arrange for extension of time.	0.40	104.00	
	DPH	Review Supreme Court Rules.	0.10	26.00	
07-26-18	NW	Confer with Cook County Civil Appeals Division deputy clerk, Pat O'Brien.	0.30	45.00	
	NW	Format and upload all trial exhibits separately and individually into Appellate portal.	1.70	255.00	
	NW	Follow up with D. Hollander.	0.50	75.00	(2) Insufficient Description
08-02-18	DPH	Review record on appeal for completeness.	0.40	104.00	
08-03-18	DPH	Review supplemental record on appeal for completeness.	1.40	364.00	
08-06-18	DPH	Work through issues with supplemental record.	0.50	130.00	
08-08-18	TDE	Draft and revise appellate brief.	3.50	1,137.50	
08-09-18	TDE	Draft and revise appellate brief.	2.90	942.50	
08-10-18	TDE	Draft and revise appellate brief.	2.50	812.50	
	DPH	Draft appellate opening brief.	3.50	910.00	
	DPH	Review record.	0.50	130.00	
	NW	Review bankruptcy docket.	0.50	75.00	
	NW	Retrieve necessary pleadings.	0.30	45.00	
	NW	Review file for documents for use in brief.	0.40	60.00	
	NW	Contact clerk re supplemental record filing.	0.20	30.00	

08-11-18	DPH	Draft appellate opening brief.	5.60	1,456.00
	DPH	Review record for cites.	1.20	312.00
	DPH	Review caselaw.	1.20	312.00
08-13-18	TDE	Review, revise and edit brief.	3.40	1,105.00
	TDE	Conference with D. Hollander re same.	0.40	130.00
	TDE	Review trial transcript and pleadings.	2.10	682.50
	DPH	Draft appellate opening brief.	4.60	1,196.00
	DPH	Conferences with T. Elliott and N. Winters re same.	0.40	104.00
08-14-18	TDE	Review, revise and edit brief.	3.90	1,267.50
	TDE	Review post-judgment motions and other pleadings.	3.10	1,007.50
	TDE	Conference with client re same.	1.00	325.00
	DPH	Work through issues with supplemental record.	0.50	130.00
	DPH	Draft appellate opening brief.	4.20	1,092.00
	DPH	Prepare appendix to brief.	3.80	988.00
	NW	Cite check brief	1.50	225.00
08-15-18	TDE	Prepare and revise appellate brief.	6.30	2,047.50
	TDE	Review trial record.	1.30	422.50
	TDE	Conference with client re same.	0.40	130.00
	DPH	Draft appellate opening brief.	6.20	1,612.00
	DPH	Prepare appendix to brief.	1.80	468.00

DPH	Review cited authorities.	2.00	520.00	
KAW	Research standard of review on appeal for a trial court's refusal to grant specific performance of a contract.	1.90	494.00	
NW	Review brief.	1.00	150.00	
NW	Conclude cite check on brief.	3.90	585.00	
NW	Revise brief.	0.80	120.00	
NW	Prepare and finalize appendix and table of contents.	2.10	315.00	
NW	Confer with team.	0.30	45.00	(2) Insufficient Description
NW	Finalize brief and exhibits.	0.40	60.00	
NW	E-file and serve same.	0.20	30.00	
NW	Conference with T. Elliott re same.	0.30	45.00	
08-16-18	TDE Review finalized brief.	0.80	260.00	
09-12-18	TDE Telephone conference with T. Banich.	0.70	227.50	(2) Insufficient Description
09-13-18	TDE Review pleadings.	0.40	130.00	
09-18-18	TDE Review appellate brief.	0.80	260.00	
09-21-18	DPH Draft appellate reply brief.	1.40	364.00	
09-22-18	DPH Draft appellate response brief	3.60	936.00	
09-24-18	DPH Draft appellate response brief.	1.70	442.00	
09-25-18	DPH Conference with TDE regarding appellate reply brief.	0.50	130.00	
09-26-18	TDE Review appellate brief; conference with D. Hollander re same.	0.40	130.00	(1) Lumping

	DPH	Draft reply in support of appeal..	6.10	1,586.00	
	DPH	Review response brief.	1.90	494.00	
	DPH	Review authorities.	2.50	650.00	
09-27-18	DPH	Draft reply in support of appeal.	0.50	130.00	
09-28-18	TDE	Review and revise reply brief; review pleadings.	2.40	780.00	(1) Lumping
	DPH	Draft reply brief in support of appeal.	4.80	1,248.00	
10-01-18	TDE	Review and revise reply brief.	3.50	1,137.50	
10-02-18	TDE	Review and revise reply brief.	2.80	910.00	
10-03-18	TDE	Review reply brief.	1.80	585.00	
	TDE	Draft revisions to same.	3.20	1,040.00	
	DPH	Draft appellate reply brief.	3.90	1,014.00	
	DPH	Multiple revisions to same.	2.20	572.00	
	NW	Confer with D. Hollander; cite check brief; review, finalize and format brief; efile same; serve same.	3.50	525.00	(1) Lumping
10-04-18	TDE	Review appellate filing.	0.30	97.50	
	DPH	Draft motion for leave to file reply brief instanter; finalize service and extra copies for the court.	0.70	182.00	(1) Lumping
	NW	Confer with D. Hollander; calls to Clerk.	0.30	45.00	(1) Lumping
10-05-18	DPH	Draft motion for leave to file instanter.	1.00	260.00	
	NW	Call with Clerk's office re brief.	0.20	30.00	
	Total Fees		206.90	\$54,651.50	

DISBURSEMENTS

Dec-07-17	Photocopy and Printing Charge	53.60	
	US Courts: filing fee for suggestion of bankruptcy 12/07/2017 JSW17373	3.95	
Feb-07-18	Pacer Research	3.80	
	Parking expense TDE 01/31/2018 JSW17373	18.00	(3) No benefit to the estate
Feb-27-18	Pacer Research	3.70	
Mar-01-18	Pacer Research	0.30	
Mar-12-18	Efile Appearance 03/09/2018 JSW17373	30.87	
	US Courts: Request for Record Appeal 03/08/2018 JSW17373	117.00	
Mar-14-18	Pacer Research	0.30	
Apr-03-18	Pacer Research	0.10	
May-03-18	Fee for Record on Appeal 05/03/2018 JSW17373	674.70	
May-31-18	Document delivery charge JSW17373	90.00	
Jul-27-18	Cook County Circuit Clerk: Supplemental Record on Appeal request JSW17373	3.95	
	Fee for Filing appeal - supplemental record on appeal JSW17373	255.90	
Jul-31-18	Westlaw - Research	389.08	
Aug-10-18	Pacer Research	0.70	
Aug-16-18	Courier delivery (UPS) - Delivered to First District Clerk of Appellate Court.	41.67	
Aug-31-18	Westlaw - Research	78.29	
	Westlaw - Research	256.37	
	Westlaw - Research	74.20	
Sep-30-18	Westlaw - Research	862.22	
	Total Costs	\$2,958.70	
	Total Fee & Disbursements	\$57,610.20	
	Balance Now Due	\$57,610.20	

AGED ACCOUNTS RECEIVABLE SUMMARY

<u><30 DAYS</u>	<u><60 DAYS</u>	<u><90 DAYS</u>	<u><120 DAYS</u>	<u>>120 DAYS</u>
\$57,610.20	\$0.00	\$0.00	\$0.00	\$0.00

TIMEKEEPER SUMMARY

<u>Initials</u>	<u>Timekeeper Name</u>	<u>Hours</u>	<u>Amount</u>
TDE	TIMOTHY D. ELLIOTT	62.10	\$20,182.50
DPH	DAVID P HOLLANDER	114.00	\$29,640.00
KAW	KAITLYN WILD	1.90	\$494.00
NW	NICOLE A. WINTERS	28.90	\$4,335.00

JOHN S. WORTHEN
RATHJE WOODWARD LLC
 300 East Roosevelt Road
 Wheaton, IL 60187
 Tel. (630) 668-8500 Fax (630) 668-9218

Invoice submitted to:

Dr. Joseph J. Porada
 P. O. Box 31232
 Chicago, IL 60631-0232

October 11, 2018

File #: JSW18319

Inv #: 48877

RE: Tax/Accounting Advice

DATE	LAWYER	DESCRIPTION	HOURS	AMOUNT
01-24-18	JSW	Tax compliance conflict and bankruptcy ramification review with J. Porada.	0.50	162.50
02-13-18	JSW	Review of attorney v accountant privilege matters in connection with revision to motion Code sec 7525 research.	2.20	715.00
03-22-18	JSW	2016-17 tax matters.	0.60	195.00
03-27-18	JSW	2016-17 tax matters.	0.50	162.50
04-17-18	JSW	2015-2017 income tax matters.	0.50	162.50
04-18-18	JSW	Tax matters review with J. Porada.	0.60	195.00
04-25-18	JSW	Review of Court Orders re: transfer of interests by J. Porada to Rezai, Ching, Heath Estate.	0.30	97.50
	JSW	Tax research effective date for compliance purposes.	1.10	357.50
04-26-18	JSW	2016-17 tax matters.	1.20	390.00

(2) Insufficient Descriptin
 (2) Insufficient Descriptin
 (2) Insufficient Descriptin

MAKE CHECKS PAYABLE TO:
 RATHJE WOODWARD LLC

06-22-18	JSW	Review for T. Banich of JJP qualified plan max contributions for consistency with prior years.	0.50	162.50	
06-28-18	JSW	Review of Country Acres materials with T. Banich.	0.30	97.50	
07-03-18	JSW	Follow up with T. Banich re: Country Acres HOA accounting review.	0.30	100.50	
07-09-18	JSW	Review of Country Acres Assn accounting for Des Plaines condo and comments to T. Banich.	1.80	585.00	
07-23-18	JSW	Review of Country Acres discovery matters with T. Banich.	0.40	130.00	
08-01-18	JSW	Review of T. Banich status report to J. Porada.	0.30	97.50	
08-02-18	JSW	Follow up with T. Banich re: Country Acres HOA accounting land trust agreement for review.	0.30	97.50	
08-07-18	JSW	Review of T. Banich correspondence to J. Porada re: Desplaines condo HOA accounting due diligence; email to T. Banich as to due diligence for HOA legal fee charges to Porada condo account.	0.30	97.50	
08-09-18	JSW	Review of accounting due diligence matters with T. Banich. Review of subpoena to Sandra Kahn re: Country Acres HOA due diligence scope and status report to J. Porada.	0.40	130.00	(1) Lumping
08-10-18	JSW	Status review of accounting due diligence matters with T. Banich. Receipt of Parkway report and related materials; preliminary review.	0.50	162.50	(1) Lumping
09-10-18	JSW	Review of T. Banich Country Acres HOA status report to J. Porada; preparation of draft for HOA Trust cash flows from accounting materials.	4.20	1,365.00	(1) Lumping
Total Fees			16.80	\$5,463.00	

Total Fee & Disbursements

\$5,463.00

Balance Now Due

\$5,463.00

AGED ACCOUNTS RECEIVABLE SUMMARY

<u><30 DAYS</u>	<u><60 DAYS</u>	<u><90 DAYS</u>	<u><120 DAYS</u>	<u>>120 DAYS</u>
\$5,463.00	\$0.00	\$0.00	\$0.00	\$0.00

TIMEKEEPER SUMMARY

<u>Initials</u>	<u>Timekeeper Name</u>	<u>Hours</u>	<u>Amount</u>
JSW	JOHN S. WORTHEN	16.80	\$5,463.00